IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.3364/2004

Smt. Kishni Devi

Versus

The State of Rajasthan and ors.

Date of Order : 25.5.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.Arjun Purohit, for the petitioner/s
Ms.V. Bora, Assistant G.A.

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The instant petition has been filed by the petitioner with the prayer that the pension claim of the petitioner may be finalised.

Brief facts of the case are that the husband of the petitioner Late Shri Tej Singh was appointed as Constable No.880 in Police Department on 1.2.1937 and worked upto 10.4.1992. He died while in service. After death of her husband the petitioner was not given pension, accordingly, she moved an application to the respondent No.4 on 11.5.2000 which was followed notice dated 10.10.2001.

The petitioner was asked to complete some formalities which was done by the petitioner. Thereafter the petitioner was asked to inform about the CPF Account Number. After completing all the formalities, the pension claim of the petitioner was forwarded by the respondent No.4 to the respondent No.5. Even the respondent No.4 vide letter dated 12.12.2002 has categorically stated that service of Late Shri Tej Singh is pensionable. However, she has not been granted pension so far.

In the instant case, the petitioner has made a number of representations, but his grievance has not been redressed so far, nor any speaking order has been passed. During the course of arguments , it has been requested by the learned counsel for the petitioner that looking to the facts and circumstances of the instant case, the concerned Authority be directed to consider the representation of the petitioner. Since the request of the petitioner is only for consideration of the representation, therefore, the instant petition is disposed of, at this stage, by giving a direction to the concerned authority to consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is

disposed of in the manner that the petitioner is directed to file a fresh representation within a period of 15 days from today and the concerned authority shall consider and decide the same either way in accordance with law within a period of two months from the date of receipt of representation. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

(R.P.VYAS)J.

rm/-